IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.Rev.Pet.No. 736 of 1998()

MC.12/1996 of JUDL.MAGISTRATE OF FIRST CLASS-I, KANJIRAPPALLY

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REVN. PETITIONER:(COUNTER PETITIONER):

JALAL, S/o.ABUBAKER, NELLIMALAPUTHUPARMPIL, HOUSE, KANJIRAPPALLY-P.O.

BY ADV. SRI.TPM.IBRAHIM KHAN
SRI.V.S.AFSAL KHAN

RESPONDENTS: (PETITIONERS):

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1. JAMEELA, W/o.JALAL, KODUTHALA HOUSE, KANJIRAPPALLY.P.O

2. RUKIYA, AGED 7 YEARS, D/o.JALAL,(MINOR) -DO- -DO- -DO-

3. JALIL, AGED 6 YEARS, S/o.JALAL, (MINOR) -DO-

4. JASILA, AGED 4 YEARS, D/o.JALAL,(MINOR).

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL
PUBLIC PROSECUTOR SRI. C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRMP NO.3775/1998 IN CR.R.P.736/1998

DISMISSED

21/02/2007 Sd/- K.R.UDAYABHANU,JUDGE

TRUE COPY

P.A.TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.736 of 1998

Dated this the 21st day of February, 2007

ORDER

Revision petitioner, who is the counter petitioner in the M.C. has sought for setting aside the order of the court below granting maintenance at the rate of Rs.400/- per month to the first petitioner and Rs.200/- each for the respondents 2 to 4. The evidence adduced consisted of only the testimony of PW1, the complainant in the MC. The contention of the revision petitioner is that he was not afforded sufficient opportunity to adduce evidence.

2. I find that he has not filed any application in this regard. The revision petitioner has cross examined PW1 and the matter was also argued before the court below. The case of the petitioner/wife is that the revision petitioner is a mason having a daily earning of Rs.175/-. According to the counter filed by the revision petitioner before the court below, the wife just walked out of the house and she is living with her parents on account of

the dispute with respect to the saying of prayers in the house. There is no evidence to show that the petitioner/wife is having any means to look after herself and the children. I find that amount of maintenance ordered is only Rs.400/- to the first petitioner and Rs.200/- each to the three minor children. Revision petitioner has no case that he is maintaining the wife and children. In these circumstances, I find that no interference is called for in the order of the court below.

The Criminal Revision Petition is dismissed accordingly.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.899 of 2001

ORDER

15th February, 2007